

July 8, 2008

**OFFICE OF THE HEARING EXAMINER  
CITY OF RENTON**

**Minutes**

APPLICANT: Russ Hibbard  
R. W. Puget Sound Holdings, LLC  
2011 S 341<sup>st</sup> Place  
Federal Way, WA 98003

OWNERS: Margaret A. Veberes  
16808 106<sup>th</sup> Ave SE  
Renton, WA 98055

Janice M. Sharp  
16816 106<sup>th</sup> Ave SE  
Renton, WA 98055

CONTACT: Kevin Flynn  
Duncanson Company, Inc.  
145 SW 155<sup>th</sup> Street, Ste. 102  
Seattle, WA 98166

Talbot Highlands Preliminary Plat  
File No.: LUA 08-041, PP, ECF

LOCATION: 16808 and 16816 106<sup>th</sup> Ave SE

SUMMARY OF REQUEST: Approval for subdivision of two existing parcels totaling 84,284 square feet into 12 lots for the future construction of single-family residences.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on June 10, 2008.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

**MINUTES**

*The following minutes are a summary of the June 17, 2008 hearing.  
The legal record is recorded on CD.*

The hearing opened on Tuesday, June 17, 2008, at 8:59 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<b><u>Exhibit No. 1:</u></b> Yellow file containing the original application, proof of posting, proof of publication and other documentation pertinent to this request.	<b><u>Exhibit No. 2:</u></b> Zoning Map
<b><u>Exhibit No. 3:</u></b> Preliminary Plat Plan	<b><u>Exhibit No. 4:</u></b> Tree Retention/Conceptual Landscape Plan
<b><u>Exhibit No. 5:</u></b> Utility /Grading Plan/Drainage	<b><u>Exhibit No. 6:</u></b> Aerial Photo
<b><u>Exhibit No. 7:</u></b> Parcel Map of General Vicinity, King County	<b><u>Exhibit No. 8:</u></b> Palmer Statement

The hearing opened with a presentation of the staff report by Rocale Timmons, Associate Planner, Community and Economic Development Department, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The site is located approximately 900 feet south of Benson Road South and 106<sup>th</sup> Avenue SE intersection. The site is also within the R-8 zoning designation and within the Residential Single-Family (RSF) Comprehensive Plan Designation. The proposal does comply with all the goals and policies established within the designation except for the policy that states streets and pedestrian paths should be interconnected in order to serve local traffic and facilitates pedestrian circulation. The applicant has proposed a 12-lot preliminary plat on two legal lots totaling 1.93 acres. The project has a proposed net density of 7.78 dwelling units per net acre. All existing buildings are proposed to be removed. All future lots meet the size designation requirements for detached single-family dwellings in the R-8 zone.

All access will be off a public street with separate driveways. Staff has approved a modification to allow a 42-foot right-of-way for the new public streets.

The site is vegetated with 99 trees, 15% are proposed to remain. The site slopes down from the northeast to the southwest, the slope is approximately 4% except for the northeast corner of the site where the slopes range up to 13%. There are no critical areas on site.

Environmental Review Committee issued a Determination of Non-Significance – Mitigated with 7 mitigation measures. No appeals were filed.

There is a partially improved right-of-way along 106<sup>th</sup> Avenue SE, Lots 1 – 3 would gain access from that street. Proposed access for Lot 4 – 12 would be provided via a new internal public dead-end street, 106<sup>th</sup> Place SE, which is connected by an internal access road, SE 168<sup>th</sup> Place.

As proposed, 106<sup>th</sup> Place SE would dead end approximately 55-feet short of the north property line. It has been determined that connectivity could be achieved in the future if the proposed internal street were to be extended all the way to the north and south property lines. There are no environmental or topographical constraints to preclude the applicant from extending the proposed street. As a result of that extension the amount of right-of-way to be dedicated to the City would increase by approximately 2300 square feet, totaling about 19,380 square feet of right-of-way dedication. The recalculation of the net square footage and the density for the proposal would be necessary, the allowed density is a minimum of 4 to 8 dwelling units. After deducting the revised right-of-way the density would arrive at a new net density of 8.05 dwelling units per net acre, which is not within the density range for the R-8 zone. The applicant must submit a revised plat plan meeting the density requirements for the R-8 zone as well as extending the internal street to both the north and south property lines.

All new lots would meet the minimum lot size for the R-8 zone as proposed, however, with the change, Lot 4 would no longer meet the minimum requirements. All lots as proposed appear to meet all setback requirements. Lots 1-3 would be oriented west, proposed Lots 8-12 would be oriented to the west, Lots 4-7 would be oriented to the east.

Thirteen of the trees on site are located in the proposed right-of-way, as well as 13 Cottonwood trees, which would all be excluded from the retention rate. After calculations, 22 trees would be required to be retained. A tree inventory submitted by the applicant indicates that 15 trees would be retained. Staff has conditioned that the applicant retain an arborist to determine whether the trees proposed to be retained are healthy and have a good probability for survival. The replacement factor will have to be recalculated after the report is received from the arborist. Street trees may be used to achieve some of the replacement requirements.

The landscape plan indicates installation of five feet of landscaping along 106<sup>th</sup> Avenue SE. A revised landscape plan has been requested due to the suggestion of different trees to be used along 106<sup>th</sup> Avenue SE.

The staff further asked the applicant to provide an alleyway west of Lots 4-7, which also would require a revised preliminary plat plan.

Currently runoff on the site drains to the southwest corner and flows along a ditch on the western side of 106<sup>th</sup> Avenue SE approximately 1000 lineal feet and is then collected by a catch basin at the intersection of 106<sup>th</sup> Avenue SE and SE 172<sup>nd</sup> Street and eventually to Benson Drive S. A detention facility is required for this proposal. The applicant intends to use a combined detention/wet vault located in proposed drainage Tract A. The applicant has been required to submit a revised water detention and water quality design per the 2005 King County Surface Water Design Manual.

Traffic, Fire and Park Mitigation Fees have been imposed by the Environmental Review Committee.

The Renton School District has stated that they can accommodate the additional students generated by this proposal.

The site is located within the Soos Creek Water and Sewer district.

Harold Duncanson, stated that they are the engineering and surveying company working for the applicant. Sewer is available to the south, not directly in front of the site, but available on SE 172<sup>nd</sup> Street and it is the intention to extend the sewer up 106<sup>th</sup> Avenue SE. They do have the sewer and water availability certificates from Soos Creek.

They disagreed with the internal circulation for the project. A map was presented that showed the tax parcels along 106<sup>th</sup> Avenue SE. Looking at the zone density and the parcels in the area, he estimated approximately 90 dwelling units could be developed on both sides of 106<sup>th</sup> Avenue SE. That number of lots is well within a sub-access standard, which states that an R-8 zone could serve up to 250 lots. There does not appear to be a need for 106<sup>th</sup> Place SE to run parallel to 106<sup>th</sup> Avenue SE when they are so close together.

The Examiner questioned how access would be gained to the interior of the parcels located between 108<sup>th</sup> and 106<sup>th</sup>?

Mr. Duncanson stated that the lots located to the east side of this parcel are zoned R-14, which might lend itself to townhouses or condo-type development. It may become more a pattern of driveways and parking lots as opposed to streets. Further to the south, subdivision has already taken place.

The internal road serves as a hammerhead, it is less than 150 feet from the intersection at the end of the road and as such meets Fire Department access. The parcel to the south has limited potential for connectivity, however to the north there are larger parcels that are better laid out. This project would take quite a hit by having to provide the east/west connectivity and then north/south connectivity to both parcels to the north and south. Lot 8 would have 4,500 square feet if the road was dedicated, Lot 4 would have 4,517 square feet, both parcels would still have adequate square footage but with that right-of-way dedication they would be over density. The problem with the alley, it does not have to be taken out of the parcel size from a density standpoint, but that would make all the lots connected to it too small. They would end up with 3 north-south connecting roads with only seven or eight lots. They would like to request that the plan remain as proposed.

Daniel Palmer, 16638 106<sup>th</sup> SE, Renton 98055 stated that he lives on the property to the north of this project. Some of his concerns are related to the neighborhood layout and landscaping and the impact this neighborhood will have on the property owners in the area. Height of the proposed homes are a concern and they hope that the homes on Lots 1, 4, and 8 would be one-story.

The Examiner stated that style, height and general layout for the homes are not dictated in a single-family development. The City could recommend or impose that a fence could be built between properties to serve as a buffer of sorts. The houses have a 5-foot required setback from the property line.

Mr. Palmer continued that he was also concerned about global warming and building green. He is also concerned about the use of diesel machinery, toxic sprays, paint over-spray and all the destruction and construction that will be going on at the site.

Ms. Timmons stated that a wetland study done on April 7, 2008 shows no regulated wetlands on site.

Mr. Palmer stated that the land is very wet and there are many animals that pass through that area. As well as safety for the wildlife, he was also concerned for the trees.

The Examiner explained that developers are required to retain a percentage of trees and those that must be removed within that percentage are then required to be replaced with smaller trees.

Mr. Palmer continued that he hoped that trees that do not need to be sacrificed would not be and that care would be taken to retain as many trees as possible. He would also like to see as much foliage as possible be retained between the property lines.

He was further concerned with noise and was told that there are restricted hours in which construction can take place.

Ms. Timmons stated that construction hours are limited to Monday through Friday 7:00 am to 8:00 pm, Saturday 9:00 am and 8:00 pm and no work on Sunday.

Margaret Veberes, 16808 106<sup>th</sup> Ave SE, Renton 98055 stated that she was one of the owners of the subject property, the northern lot. The drainage ditch that is located on the eastern side of 106<sup>th</sup> and borders her property, takes the drainage off of Benson. She also owns the forest that Mr. Palmer mentioned, they developed and built that forest. She wanted it on the record that as one ages and taking care of a large parcel of land, it becomes impossible and that is one reason they chose to put their land up for sale.

Delores Palmer, 16638 106<sup>th</sup> SE, Renton 98055 stated that she is concerned about the sewers, are they going to be put in and how far they would come up the road. Would streetlights be only within the confines of the new

development or how far would they extend? What is meant by the term “right-of-way”? Speed limits were further discussed and it was determined that the police department would have control of that.

The Examiner stated that they generally extend sewers to the property line, to the Palmers’ south property line. As to streetlights, the developer is only responsible for his property.

A right-of-way is all of the roads surrounding the property, they would have to be widened, curb, gutter and sidewalks installed even if they do not exist anywhere else on the road. Slowly the sidewalk would be extended along 106<sup>th</sup> north and south as property develops.

Kayren Kittrick, Development Services stated that within a plat a 42-foot right-of-way is dedicated, this plat will be 32-feet of pavement with five foot sidewalks on either side. On 106<sup>th</sup> the final width has not actually been determined, they will be required to install sidewalks, curbs and gutters. They will take into account that the drainage ditch is, in fact, on that side and that will have to be accommodated or maintained.

Soos Creek sewer line will go to the property line, if Palmers wish to extend to their property, they need to contact Soos Creek directly, they also will need a permit from the City should they decide to connect to the sewer.

There are no water maps from Soos Creek as yet, since the water availability letter has been issued, it stands to reason that water is at least within striking distance, they will have to do an extension interiorly. Fire hydrants will be required.

Streetlights are by candle-foot, not distance but light levels determine where the lights are placed. Shielding and other considerations are allowed.

As far as street grid systems, an east/west connection of 168<sup>th</sup> Place is the cost of being first to do construction in this area. City code requires that these connections are made, they would have to prove why the connection could “not” be made. The pavement does not have to go all the way to the boundary lines, but signage would need to be placed stating that this street may go through some day. In regard to alleyways, they are encouraged where feasible. City staff must prove that an alley cannot be located in a particular location and that it is “not feasible”. In this particular instance there may be enough reasons that an alley is not feasible, it shrinks the lot size, shrinks the amount of vegetation and increases the impervious surface for a few.

The surface and storm water vault was designed to the 1999 Manual and should have been to the 2005 Manual. The changes were fairly insignificant and could be well contained in the proposed context. It might be a slightly larger vault, but other than that it is okay.

Speed limits will be set for the construction crews, enforcement will be aware of what is going on and will maintain a presence to ensure that all laws are enforced. Contact phone numbers can be provided to neighbors so the inspectors can be reached directly for complaints.

Mr. Duncanson stated that the Environmental Review answered many of Mr. Palmer’s questions. The City has Green standards that must be followed.

Ms. Timmons stated that this project did go through Environmental Review and all environmental concerns related to the project were covered. The building standards will be reviewed at the permit stage for each individual building lot and those decisions may be appealed, they have a 14-day appeal period once the approval for building permits are issued.

Marilyn Ragle, 16805 106<sup>th</sup> Avenue SE, Renton 98055 asked when the Hearing Examiner recommendations from this hearing would be available.

The Examiner stated that normally they are issued about two weeks from the date of the hearing, anybody who has testified or attended the hearing (if they so desire) will receive a copy of the decision. The decision is a recommendation to the City Council, they take a formal action, if there were no objections they would approve the plat as recommended by the Examiner, if there were an appeal the Council would make a determination.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:47 a.m.

### **FINDINGS, CONCLUSIONS & RECOMMENDATION**

Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### **FINDINGS:**

1. The applicant, Russ Hibbard, filed a request for a 12-lot Preliminary Plat.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance - Mitigated (DNS-M).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 16808 and 16816 106th Avenue SE. These properties are in a newly annexed area of the City and the addressing has been retained from the King County system. The subject site is on the east side of 106th Avenue SE a block or two south of Benson Road S.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of detached single-family uses, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is currently zoned R-8 (Single-Family - 8 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 5327 enacted in March 2008.
9. The subject site actually consists of two separate parcels that would be re-divided if the plat were approved. The subject site is approximately 1.93 acres or 84,284 square feet. The subject site is approximately square at 299 feet by 281 feet.
10. The subject site slopes down approximately 15 feet from the northeast to the southwest with overall grades of approximately 4 percent.
11. There are no critical areas on the subject site. Two existing residences would be removed if this new plat were approved.
12. The tree survey indicated approximately 99 trees on the site and the applicant proposed retaining

approximately 15 percent. Code requires 30 percent retention or replacement. Staff recommended that the applicant contract with a certified arborist to help select trees for retention.

13. The applicant proposes dividing the subject site into twelve (12) lots along with one drainage tract to contain stormwater. The lots and tract would be aligned along two new roads forming a T-intersection in the middle of the plat. A new road, proposed SE 168th Place, would run to the east from 106th Avenue SE. Southeast 168th Place would then intersect with a new north-south roadway, proposed 106th Place SE. Proposed Lots 1 to 3 and the drainage tract, Tract A, would front along SE 106th Avenue. Proposed Lots 6 and 7, as corner lots, could front on either SE 168<sup>th</sup> Place or 106<sup>th</sup> Place SE.
14. Access would be via the roads noted above. A modification has been granted to allow roads that have a 42-foot right-of-way.
15. Staff noted that the applicant proposed creating a deadend at the north end of the new 106th Place SE. Staff recommended that this street continue to the property line for eventual extension to the north to meet the City's street grid policies enunciated in Policy T-9 calling for interconnected streets and pedestrian facilities. Staff determined that there are no environmental or topographical constraints on extending the street to the north. The applicant did not believe an internal street needed to continue to the property line.
16. The extension of the street would remove approximately 2,310 square feet from the property and alter the density calculations for the proposed plat. The original proposal would have had 17,078 square feet dedicated for right-of-way resulting in a density of 7.78 units per acre. As proposed by staff, the right-of-way would now be 19,388 square feet creating a density of 8.05 units per acre, which exceeds the 8 units permitted by code. Staff recommended that the plat be reduced to an eleven (11)-lot plat. Eleven lots would result in a density of 7.39 units per acre, which meets code requirements.
19. Staff noted that RMC 4-7-150(E)(5) (Alley Access: Alley access is the preferred street pattern. Prior to approval of a plat without alley access, the Reviewing Official shall evaluate an alley layout and determine that the use of alley(s) is not feasible.) suggests alley access is the preferred street pattern and recommended that a north-south alley run along the west side of Proposed Lots 4, 5, 6 and 7 between and parallel to 106th Avenue SE and 106 Place SE. An alley in that location would require the reduction in lot size including potentially the detention tract and potentially a reduction in the number of lots. It would create more impermeable surfaces, which could require a larger rather than smaller detention tract.
20. The subject site is located within the Renton School District. The project is expected to generate approximately 6 school age children. These students would be spread across the grades and would be assigned on a space available basis.
21. The development will generate approximately 10 traffic trips per unit or approximately 90 to 100 new trips for the 9 or 10 new single family homes. Approximately ten percent of the trips, or approximately 10 additional peak hour trips will be generated in the morning and evening.
22. Stormwater naturally flows toward and off the southwest corner of the subject site. It enters a ditch system, flows across vacant property and then into a system along Benson Road. A drainage report indicated that peak flows for a 100-year storm would exceed standards and that impervious surface increases require compliance with the 2005 King County Manual. Drainage Tract A will hold and treat water before it is released. In addition, the ERC required a revised analysis prior to utility construction.

23. Both sewer and water will be provided by the Soos Creek District. All connections and flows will be required to meet City standards. The applicant indicated that Certificates of Availability were submitted.
24. A number of issues were raised regarding the styling, colors, size and setbacks for the potential new homes. Other than the normal limits on heights, the mandated yard setbacks and other code constraints, there are no regulations governing such features. Other issues raised were the use of chemicals like fertilizers, pesticides and herbicides. Other than normal precautions on how these items are applied, the City does not regulate such uses on single-family lots.
25. The neighbor to the north still maintains a rural lifestyle including some farming. That owner was concerned about trespass and privacy.

#### **CONCLUSIONS:**

1. The proposal to re-divide two lots and create additional building lots for detached single-family uses is appropriate and meets the public use and interest. Creating additional lots for detached housing meets the City's single-family goals as well as the goals of housing a larger population in an area where services can be provided.
2. As proposed though, the plat does not meet the goals and policies of the City in regards to what is generally termed a grid street system. The proposal fails to extend the new roadway, 106th Place SE to the northern boundary of the property, thereby thwarting the City's goals of creating linked vehicular and pedestrian routes. While such an extension will reduce the overall density of the plat by one lot (from 12 to 11 lots) the creation of a through street is an appropriate tradeoff. It will be able to provide access to interior parcels that may ultimately be developed without creating a new series of frowned upon cul-de-sac or deadend roadways. The extension will provide another access route into the plat by emergency services vehicles. It will also provide a corridor for the future extension of utility lines to the north. Therefore, the applicant shall extend this roadway to the northern boundary of the subject site. Since this roadway at both its north and south ends will not necessarily be extended immediately, signs should be placed at both ends that inform future residents that a through-street is anticipated to apprise them that additional traffic may occur on these roads in the future.
3. Another access issue is whether or not this plat should have an alley to provide access to the rear or west of Proposed Lots 1, 2 and 3 and to the rear or east of Proposed Lots 4 to 7. It does not seem feasible to create such an alley in this location. Not only will creating an alley create additional impermeable surface but it will require additional stormwater detention and treatment. The extension of the alley to the south could also reduce the size of the area available for Tract A, the detention pond. The use of an alley would also shrink the lots or reduce open space and landscaping or eliminate some lots further reducing the density of the plat and thereby reduce the plat's ability to meet the City's housing goals. In addition, a reasonable tradeoff in this case is the required extension of 106th Place SE to the north providing, ultimately, another route to and from the plat for both residents and emergency services. Providing this future loop or grid pattern will help alleviate a need for alley access.
4. The proposed plat will increase the tax base of the City and thereby offset some of the impacts on the new development on the existing community. The payment of the mitigation fees required by the ERC will also help offset impacts to transportation, parks and emergency services.
5. It appears that the plat will have access to urban services such as domestic water and sewer and has made provision to handle its stormwater component. The applicant will have to create a Homeowners



Association to maintain common features of the plat such as the stormwater system.

6. The plat will have to meet the City's tree preservation requirements as well as its landscaping requirements for new plats just as it will have to provide the appropriate curbs, gutters and sidewalks as well as street lighting along its roadways.
7. Obviously, the redevelopment of these two somewhat larger lots into several smaller lots in this area with older, larger lots will create additional hubbub. The change will be noticeable. There will be more people and more cars and less open space. These impacts were anticipated when the area was annexed and when both the Comprehensive Plan was adopted and site's zoning was applied. At the same time, the proposal is for detached single-family homes and such development, after the initial construction phase, should not create untoward impacts on adjacent uses. One has to hope that future residents are courteous and neighborly.
8. The neighboring, rural use property to the north should be appropriately protected by the installation of a fence along the north boundary of the subject site. The fence should be appropriate to separate and screen the disparate uses. The fence shall be a permanent installation with a section in the vicinity of the 106<sup>th</sup> Place roadway that can be removed in the future.
9. In conclusion, the concept of re-dividing the subject site to support additional housing choices is appropriate but the plat must be modified to meet the City's goals and objectives in terms of both density and access. An eleven-lot plat appears to meet both goals whereas the originally proposed twelve-lot plat did not meet the requirements.

**RECOMMENDATION:**

The City Council should approve an eleven (11)-lot plat subject to the following conditions:

1. The applicant shall meet the conditions imposed by the ERC.
2. The applicant shall install a fence along the north boundary of the subject site and such fence shall be appropriate to separate and screen the disparate uses. The fence shall be a permanent installation with a section in the vicinity of the 106<sup>th</sup> Place roadway that can be removed in the future.
3. The applicant shall obtain a demolition permit and complete all required inspections for all buildings located on the property prior to the recording of the final plat.
4. The applicant shall employ an arborist, to determine if the trees proposed for retention are healthy and have a good probability for survival, specifically the cottonwood trees. A report shall be submitted to the Current Planning Project Manager for review and approval prior to utility construction permit approval. If there are any changes to the tree retention plan the applicant shall also submit a revised tree retention plan prior to utility construction approval as well as proposed mitigation, in the amount of 12-inches of new tree caliper, for any additional tree that could not be retained.
5. The applicant shall submit a revised detailed landscape plan by a certified landscape architect or other landscape professional to the Current Planning Project Manager prior to the approval of utility construction permits. The revised landscape plan should include; the elimination of Red Sunset Maples, appropriate vegetation for street trees, and the additional replacement trees, if

necessary, to mitigate for protected trees not retained.

6. The applicant shall extend the proposed internal street, 106<sup>th</sup> Place SE, to the north property line to allow for future street connectivity.
7. The applicant shall submit a revised preliminary plat plan that meets the density requirements of the R-8 zone along with the depiction of the proposed internal street, 106<sup>th</sup> Place SE, to be extended to the north property line. The revised Preliminary Plat shall be submitted to and approved by the Current Planning Project Manager prior to the approval of utility construction permits.
8. A Homeowner's Association or Maintenance Agreement shall be created concurrently with the recording of the final plat in order to establish maintenance responsibilities for shared roadway, stormwater and utility improvements. A draft of the document(s) shall be submitted to the City of Renton Planning Division for review and approval by the City Attorney and Property Services section prior to the recording of the final plat.
9. The applicant shall obtain a Certificate of Water and Sewer Availability from the Soos Creek Water and Sewer District prior to the approval of any utility construction permits.

ORDERED THIS 8<sup>th</sup> day of July 2008.

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FRED J. KAUFMAN  
HEARING EXAMINER

TRANSMITTED THIS 8<sup>th</sup> day of July 2008 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., July 22, 2008.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., July 22, 2008.**

**If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.**

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.